

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

ALLIANCE FOR HIPPOCRATIC MEDICINE, on behalf of itself, its member organizations, their members, and these members' patients; AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS, on behalf of itself, its members, and their patients; AMERICAN COLLEGE OF PEDIATRICIANS, on behalf of itself, its members, and their patients; CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS, on behalf of itself, its members and their patients; SHAUN JESTER, D.O., on behalf of himself and his patients; REGINA FROST-CLARK, M.D., on behalf of herself and her patients; TYLER JOHNSON, D.O., on behalf of himself and his patients; and GEORGE DELGADO, M.D., on behalf of himself and his Patients,

Plaintiffs,

v.

U.S. FOOD AND DRUG ADMINISTRATION; ROBERT M. CALIFF, M.D., in his official capacity as Commissioner of Food and Drugs, U.S. Food and Drug Administration; JANET WOODCOCK, M.D., in her official capacity as Principal Deputy Commissioner, U.S. Food and Drug Administration; PATRIZIA CAVAZZONI, M.D., in her official capacity as Director, Center for Drug Evaluation and Research, U.S. Food and Drug Administration; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; and XAVIER BECERRA, in his official capacity as Secretary, U.S. Department of Health and Human Services,

Defendants.

Case No. 2:22-cv-00223-z

**MOTION OF LIFE COLLECTIVE INC. SEEKING LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF PLAINTIFFS' COMPLAINT AND MOTION FOR TEMPORARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 7(b), Life Collective, Inc. (“Life Collective”) respectfully seeks the Court’s leave to file the accompanying brief as an amicus curiae in support of Plaintiffs’ Complaint (Doc. 1) and Plaintiffs’ Motion for Preliminary Injunction (Doc. 6). Consistent with the principles set by Fed. R. App. P. 29(a)(4)(E), counsel for amicus authored its brief in whole; no counsel for a party authored this brief; and no other person or entity contributed monetarily to this brief’s preparation or submission.

**I. Identity and Interests of Movant**

Life Collective is a non-profit corporation headquartered in Oklahoma City, Oklahoma. Life Collective educates the public and unites organizations committed to a deep respect for life, with the hope of fostering a culture that makes abortion, with all its risks, unnecessary. As part of Life Collective’s mission, it seeks leave to file an amicus brief in support of Plaintiffs’ Complaint (Doc. 1) and Plaintiff’s Motion for Temporary Injunction (Doc. 6). Life Collective’s position is that the lack of safeguards in the FDA’s challenged regulations deviate from accepted ethical norms and required FDA practices meant to preserve the health and lives of patients. This departure endangers both women’s health and trust in healthcare professionals.

**II. Argument**

This is a matter of national importance. The Court’s decision will directly affect the delivery of pharmaceuticals, patients’ health, and respect for the ethical underpinnings of healthcare regulation. Life Collective believes that its proposed amicus briefing will aid the Court in its review. Should this matter eventually be subjected to appellate review, the appellate court will almost certainly have the benefit of amicus curiae briefing and this Court should have no less.

Despite the lack of a specific rule addressing amicus briefs at this stage, the Court should accept this briefing as it has in other important matters. *See e.g., Kinard v. Dish Network Co.*, 228 F. Supp. 3d 771, 777 (N.D. Tex. 2017); *United States v. Texas Educ. Agency*, 138 F.R.D. 503, 508 (N.D. Tex. 1991) (allowing parties denied intervention to file amicus curiae briefing). Life Collective’s briefing will provide a well-supported viewpoint concerning the importance of adhering to current FDA regulations that implement safeguards over the provision of pharmaceuticals, especially abortifacients that pose very real risks to women (particularly absent proper medical oversight), and the grave departure this would represent from established ethical standards of healthcare in the United States.

### **III. Conclusion**

Accordingly, Life Collective respectfully requests the Court to grant its motion for leave to file the accompanying amicus curiae brief.

Respectfully submitted, this 10<sup>th</sup> day of February, 2023,

/s/ Darren McCarty

McCARTY LAW PLLC

Darren McCarty  
Texas State Bar No. 24007631  
1410B West 51<sup>st</sup> Street  
Austin, Texas. 78756  
512-827-2902  
darren@mccartylawllc.com

Attorney for Life Collective Inc.

I certify that on February 10<sup>th</sup>, 2023, I electronically filed the foregoing document with the Clerk of the Court via CM/ECF which will notify all parties in this matter who are registered with the Court's CM/ECF filing system of such filing. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 10th day of February, 2023.

*/s/ Darren McCarty*  
\_\_\_\_\_  
Darren McCarty